

The Madison County Plan Commission on the above date at 9:00 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, Phil Isom, Larry Crenshaw, John Orick, Patrick Manship, Mark Gary and Wesley Likens.

Members Absent: John Simmermon.

Also Present: Cory Wilson, Executive Director. Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

### Current Business

1. Roll call was taken with one member John Simmermon being absent.
2. The minutes from the previous meeting were distributed to each member prior to the meeting. Member Wilson made a motion to approve the minutes. Member Orick seconded the motion. The vote was unanimous in favor of the motion.

### New Business:

1. **Petition: 2010-W-003 Waiver**  
Address: 4349 East 800 South, Markleville  
Location: South side of 800 South, between 400 East and 500 East  
Petitioner: Ruth Ann Seal – Contact J.R. Builta  
Request: A waiver of the Subdivision Control Ordinance to provide for the subdivision of a 70-acre parcel through the Administrative Plat process into four (4) lots.

Lot #1 a) legally establish an 800 square foot single-family dwelling located 30.7 feet from the right-of-way of CR 800S (minimum 35 foot front setback).

b) legally establish a 784 square foot accessory structure located 3 feet from the west property line (minimum 25 feet side setback).

c) legally establish a 1600 square foot accessory structure located 20.4 feet from the west property line (minimum 25 feet side setback).

Lot #3 provide for a 16.51 acre lot with 93.42 feet of road frontage (minimum 100 feet required) and 93.42 feet of lot width at the front setback line (minimum 200 feet required) with a length 3.99 times greater than the width (maximum lot length not permitted to exceed 3.5 times the width or 1,749.3 feet for this lot).

Lot #4 provide for a 50.73-acre lot with 317.44 feet of road frontage (minimum road frontage to be 50 percent of the lot width or 460 feet for this lot).

Jerry Flatter, Ashton Surveying, 325 West Washington Street, Indianapolis was present representing the landowner.

Mr. Flatter informed the Board Mrs. Seal is wanting to split this into four lots. There are two existing houses and accessory structures.

Several of the Board Members had questions about the septic tank, laterals and how this would affect those.

J.R. Builta, Attorney for the landowner was present.

Mr. Builta stated the reason for the splits was due to the property going up for auction in order to settle the Power of the Estate. It is hoped the land will be sold as one parcel but if someone wishes to purchase just a portion then by getting these waivers they could proceed. They would be happy to enter into a covenant that the secondary plat would not be filed until the septic system/laterals is fully identified and located with an easement provided. It is also understood the waivers are good for only one year.

There were no remonstrators present.

Member Manship moved to approve Petition #2010-W-003 per staff recommendation and the following Findings of Fact: This will not be detrimental to the public, safety, health and general welfare; It will not be injurious to the reasonable use and development of other property; It is unique because of the existing buildings and it would not be applicable to other properties; The strict applications of the regulations of this ordinance will not result in the permitted use of the property; This petition would not contradict the intent of the Comprehensive Plan. Also, the final plat would not be filed until the septic, laterals and the wellhead concerns are addressed.

Member Crenshaw seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2010-W-003 was approved.**

## 2. Miscellaneous

Mr. Shine discussed/mentioned an issue concerning all terrain vehicles. He made reference recently to a go-cart operation that came before the Board several years ago. There has been a complaint of people having go-cart races on their property. Our zoning ordinance does not take into consideration the noise and air pollutants. The Board might like to look in to getting this addressed in the ordinance.

Bret Stevens, 2626 E US 36, Markleville was present.

Mr. Steven told the Board about an on gong dumping situation on the lot next to him. He has spoken to Director Wilson and he is aware of this situation. The area is zoned agricultural. There are four tracts which are all accessed by an easement. There is a trucking company that is bulldozing and selling dirt from the back lot. He believes this is being used as commercial ground. He would like something done.

Mr. Stevens was advised this is being handled and that the office will continue to work on getting this corrected.

Mr. Shine stated the Madison County Planning Commission will have an Executive Session, June 8, 2010 after their regular meeting. At that meeting personal matters will be discussed pursuant. The following is the Memorandum of the previous Executive Session:

## **MEMORANDUM OF EXECUTIVE SESSION OF MADISON COUNTY PLANNING COMMISSION**

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On Tuesday June 8, 2010 at 10 am., an executive session of the Madison County Planning Commission was held in Room 1108, First Floor, Madison County Government Center, 16 E. 9<sup>th</sup> Street, Anderson, Indiana, pursuant to notice previously issued.

The Planning Commission members along Cory Wilson, Director. were present. John Simmermon was absent

Evaluations including duties and responsibilities of all employees were discussed. No other issues were discussed and the meeting adjourned at approximately 11:00 am

Respectfully submitted,

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Gerald P. Shine, Jr. (#297-48)  
Attorney for Madison County Planning Commission

### **CERTIFICATE**

No other issues were discussed in the executive session, except those stated in the above memorandum.

**MADISON COUNTY PLANNING COMMISSION**

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BY:

PREPARED BY:

Gerald P. Shine, Jr. (#297-48)  
Attorney for Madison County Plan Commission

Beverly Guignet, Secretary to the Board told the Members that as of September 1, 2010 she will be retiring. She informed the Board she has been with the Plan Commission since 1974 and has enjoyed serving as the secretary to the Board since 1978 and will miss them all very much.

Member Wilson made a motion, seconded by Member Manship to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 9:48:56 A.M.

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Bill Maxwell, President

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Beverly Guignet, Secretary